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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,626	10/29/2003	Bala Ramachandran	03SKY0003	5553
24504	7590	03/26/2009	EXAMINER	
THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP			WONG, LINDA	
600 GALLERIA PARKWAY, S.E.				
STE 1500			ART UNIT	PAPER NUMBER
ATLANTA, GA 30339-5994			2611	
			MAIL DATE	DELIVERY MODE
			03/26/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: BALA RAMACHANDRAN

Application No. 10/696,626
Technology Center 2600

Mailed: March 25, 2009

Before Deborah Perry, *Supervisory Paralegal Specialist, Review Team*
Perry, *Supervisory Paralegal Specialist, Review Team.*

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on February 24, 2009. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S ANSWER, EVIDENCE RELIED UPON

Section 1207.02 of the *Manual of Patent Examining Procedure* (MPEP) (Eighth Edition, Rev. 6, September 2007) states:

(A) CONTENT REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

....

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and in the case of nonpatent references, the relevant page or pages.

The Examiner's Answer mailed November 14, 2008 is deficient because the "Evidence Relied Upon" section fails to include the references, *Digital Video Broadcasting* (<http://www.dvb.com>) and IEEE 802.11a Standards, cited on page 12 in the Examiner's Answer's grounds of rejection of 28-33 under 35 USC § 103(a). Correction is required.

The Examiner's Answer also includes an improper cited reference, in the "Evidence Relied Upon" section, which is not listed in the Final Rejection dated December 11, 2007. Please remove the reference, Smith, Steven W. "Introduction to Digital Filters", *The Scientist and Engineer's Guide to Digital Processing*.

Accordingly, it is ORDERED that the application be returned to the Examiner to:

- 1) vacate the Examiner's Answer mailed November 14, 2008;
- 2) generate a revised Examiner's Answer correctly setting forth the Evidence Relied Upon section;
- 3) and any other actions that may need to be carried out.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DP/mev

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